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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,218	01/28/2000	Jason M Brewer	TI-28385	3161
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TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				
			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,218

Applicant(s)

BREWER, JASON M

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S)-OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-9 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,295,638 to Brown et al..

4. As to claim 5, Brown teaches a system for loading Java class file to a client device (col. 2, lines 50-67) comprising: a gateway coupled to said server and responsive to a Java class file for creating a c-code representation of said class file (col. 7, lines 25-44, The front end compiler creates a c-code representation.); said gateway creating a binary representation of said c-code representation (col. 7, lines 25-44, The backend compiler creates optimized content.); a network

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coupled between said gateway and said client device for sending the binary representation to said client device (col. 5, lines 38-54); a loader for loading said binary representation at said client device (col. 8, lines 20-61); and, means for copying said binary representation into the internal class structure in an interpreter of said client device (col. 8, lines 62-67 and col. 9, lines 1-15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,389,589 to Mishra et al..

7. As to claim 1, Brown teaches a method for loading class files from a server to a client (col. 2, lines 50-67) comprising: loading an application class onto a gateway server that preloads and prereresolves said class (col. 7, lines 25-44, The front end compiler preloads and prereresolves the classes.); creating a binary representation of new portions of the preloaded and prereresolved class at said gateway (col. 7, lines 25-44, The backend compiler creates optimized content.); however Brown does not explicitly teach sending only the new portion to the client.

Mishra teaches a method of sending only the new portions of application classes to the client (col. 17, lines 36-62, Only upgrade components are sent to the client.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading class files with the teachings of Mishra regarding a method for sending only new portions of classes to a client because sending a smaller amount of data conserves bandwidth.

8. Brown teaches the invention substantially as claimed (e.g. exemplary claim 7) including a method for loading Java class files to an embedded client device from a server (col. 2, lines 50-67) comprising the steps of: gateway retrieving a Java class file, gateway preloading and preresolving the Java class file to produce a representation of the Java class file (col. 7, lines 25-44, The front end compiler preloads and preresolves the classes.); creating at the gateway a binary representation of only said new portion of the preloaded and preresolved representation of the Java class file (col. 7, lines 25-44, The backend compiler creates optimized content.); sending said binary representation into said embedded client device (col. 5, lines 38-54); and, copying said binary representation into the internal class structures in the interpreter of a Java virtual Machine of the embedded client (col. 8, lines 62-67 and col. 9, lines 1-15); however Brown does not explicitly teach a method of determining at the gateway a new portion of the representation and forwarding only the new .

Mishra teaches a method of determining at the gateway a new portion of the representation (col. 17, lines 36-62, The server determines which client components to upgrade.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

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9. As to claim 2, it comprises the same steps as claim 7 with a broader preamble therefore it is rejected on the same basis as claim 7.

10. As to claim 3, Brown-Mishra teaches the method of claim 2 including determining new portions of a class representation. Brown teaches creating a c-code representation of the Java class file (col. 7, lines 25-44, The front end compiler creates a c-code representation.), and creating a binary representation of said c-code representation; however Brown does not explicitly teach a method for determining new portions or creating binaries of only new portions.

Mishra teaches a method of determining new portions of code and creating binaries of the new portions (col. 17, lines 36-62).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

11. As to claim 6, Brown teaches the system of claim 5; however Brown does not explicitly teach a system for determining new portions of the c-code representation or sending only new portions of the c-code representations.

Mishra teaches a system including a means for determining new portions of a c-code representation, and a means for creating binary representations of only new portions of the c-code representations, and a means for sending only the new portions to a client (col. 17, lines 36-62).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java

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classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

12. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,389,589 to Mishra et al. as applied to claim 2 above, and further in view of U.S. Patent Number 6,263,360 to Arnold et al..

13. As to claim 4, the teachings of Brown-Mishra combine to make claim 2 obvious; however Brown and Mishra do not explicitly teach sending the classes over a wireless network.

Arnold teaches a method of sending Java classes over a wireless network (col. 26, lines 25-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown-Mishra regarding a method for loading Java classes with the teachings of Arnold regarding a method for sending Java classes over a wireless network because Java is a common tool for developing wireless applications due to its platform independence (col. 24, lines 51-63 of Arnold).

14. As to claim 9, the limitations of claim 9 are rejected for the same reasons as claim 7.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,263,360 to Arnold et al..

16. As to claim 8, it has the same limitations as claim 5 with the additional limitation of sending classes over a wireless network. Brown does not teach sending classes over a wireless network.

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Arnold teaches a method of sending Java classes over a wireless network (col. 26, lines 25-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a system for loading Java classes with the teachings of Arnold regarding a system for sending Java classes over a wireless network because Java is a common tool for developing wireless applications due to its platform independence (col. 24, lines 51-63 of Arnold).

Response to Arguments

17. Applicant's arguments filed 3/11/2003 have been fully considered but they are not persuasive. The applicant argues the following points: (a) There is no suggestion in Brown that a gateway exists between the server and client and (b) Figure 3 and the description on page 6, bottom and page 7, top note that the gateway has memory and sends files to the, so the gateway impliedly can determine the new portion.

18. As to point (a), the compilers, discussed in col. 7, lines 25-44, function as a gateway in that they provide the link between the server and the client. There are no limitations present in the claims that force the gateway to be a server separate from the main server. Though the claims are read in light of the specification, limitations from the specification are not read into the claims.

19. As to point (b), the bottom of page 6 and top of page 7 do not describe how the new portions of code are determined. The specification merely states that the new portions are determined. There is nothing present on the bottom of page 6, top of page 7, or anywhere in the

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specification that provides one of skill in the art with information as to how this determination should be made.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
October 16, 2005

DBB



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER